

111TH CONGRESS
1ST SESSION

H. R. 80

AN ACT

To amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Captive Primate Safety
3 Act”.

4 **SEC. 2. ADDITION OF NONHUMAN PRIMATES TO DEFINI-**
5 **TION OF PROHIBITED WILDLIFE SPECIES.**

6 Section 2(g) of the Lacey Act Amendments of 1981
7 (16 U.S.C. 3371(g)) is amended by inserting before the
8 period at the end “or any nonhuman primate”.

9 **SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.**

10 (a) PROHIBITED ACTS.—Section 3 of the Lacey Act
11 Amendments of 1981 (16 U.S.C. 3372) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (2)—

14 (i) in subparagraph (A), by inserting
15 “or” after the semicolon;

16 (ii) in subparagraph (B)(iii), by strik-
17 ing “; or” and inserting a semicolon; and

18 (iii) by striking subparagraph (C);
19 and

20 (B) in paragraph (4), by inserting “or sub-
21 section (e)” before the period; and

22 (2) in subsection (e)—

23 (A) by redesignating paragraphs (2), (3),
24 (4), and (5) as paragraphs (3), (4), (5), and (6)
25 respectively;

1 (B) by striking “(e)” and all that follows
2 through “Subsection (a)(2)(C) does not apply”
3 in paragraph (1) and inserting the following:

4 “(e) CAPTIVE WILDLIFE OFFENSE.—

5 “(1) IN GENERAL.—It is unlawful for any per-
6 son to import, export, transport, sell, receive, ac-
7 quire, or purchase in interstate or foreign commerce
8 any live animal of any prohibited wildlife species.

9 “(2) LIMITATION ON APPLICATION.—This sub-
10 section—

11 “(A) does not apply to a person trans-
12 porting a nonhuman primate to or from a vet-
13 erinarian who is licensed to practice veterinary
14 medicine within the United States, solely for
15 the purpose of providing veterinary care to the
16 nonhuman primate, if—

17 “(i) the person transporting the
18 nonhuman primate carries written docu-
19 mentation issued by the veterinarian, in-
20 cluding the appointment date and location;

21 “(ii) the nonhuman primate is trans-
22 ported in a secure enclosure appropriate
23 for that species of primate;

24 “(iii) the nonhuman primate has no
25 contact with any other animals or members

1 of the public, other than the veterinarian
2 and other authorized medical personnel
3 providing veterinary care; and

4 “(iv) such transportation and provi-
5 sion of veterinary care is in accordance
6 with all otherwise applicable State and
7 local laws, regulations, permits, and health
8 certificates;

9 “(B) does not apply to a person trans-
10 porting a nonhuman primate to a legally des-
11 ignated caregiver for the nonhuman primate as
12 a result of the death of the preceding owner of
13 the nonhuman primate, if—

14 “(i) the person transporting the
15 nonhuman primate is carrying legal docu-
16 mentation to support the need for trans-
17 porting the nonhuman primate to the le-
18 gally designated caregiver;

19 “(ii) the nonhuman primate is trans-
20 ported in a secure enclosure appropriate
21 for the species;

22 “(iii) the nonhuman primate has no
23 contact with any other animals or members
24 of the public while being transported to the
25 legally designated caregiver; and

1 “(iv) all applicable State and local re-
2 strictions on such transport, and all appli-
3 cable State and local requirements for per-
4 mits or health certificates, are complied
5 with;

6 “(C) does not apply to a person trans-
7 porting a nonhuman primate solely for the pur-
8 pose of assisting an individual who is perma-
9 nently disabled with a severe mobility impair-
10 ment, if—

11 “(i) the nonhuman primate is a single
12 animal of the genus *Cebus*;

13 “(ii) the nonhuman primate was ob-
14 tained from, and trained at, a licensed
15 nonprofit organization described in section
16 501(c)(3) of the Internal Revenue Code of
17 1986 the nonprofit tax status of which was
18 obtained—

19 “(I) before July 18, 2008; and

20 “(II) on the basis that the mis-
21 sion of the organization is to improve
22 the quality of life of severely mobility-
23 impaired individuals;

24 “(iii) the person transporting the
25 nonhuman primate is a specially trained

1 employee or agent of a nonprofit organiza-
2 tion described in clause (ii) that is trans-
3 porting the nonhuman primate to or from
4 a designated individual who is permanently
5 disabled with a severe mobility impairment,
6 or to or from a licensed foster care home
7 providing specialty training of the
8 nonhuman primate solely for purposes of
9 assisting an individual who is permanently
10 disabled with severe mobility impairment;

11 “(iv) the person transporting the
12 nonhuman primate carries documentation
13 from the applicable nonprofit organization
14 that includes the name of the designated
15 individual referred to in clause (iii);

16 “(v) the nonhuman primate is trans-
17 ported in a secure enclosure that is appro-
18 priate for that species;

19 “(vi) the nonhuman primate has no
20 contact with any animal or member of the
21 public, other than the designated individual
22 referred to in clause (iii); and

23 “(vii) the transportation of the
24 nonhuman primate is in compliance with—

1 “(I) all applicable State and local
2 restrictions regarding the transport;
3 and

4 “(II) all applicable State and
5 local requirements regarding permits
6 or health certificates; and

7 “(D) does not apply”;

8 (C) in paragraph (2) (as redesignated by
9 subparagraph (A))—

10 (i) by striking “a” before “prohibited”
11 and inserting “any”;

12 (ii) by striking “(3)” and inserting
13 “(4)”; and

14 (iii) by striking “(2)” and inserting
15 “(3)”;

16 (D) in paragraph (3) (as redesignated by
17 subparagraph (A))—

18 (i) in subparagraph (C)—

19 (I) in clauses (ii) and (iii), by
20 striking “animals listed in section
21 2(g)” each place it appears and in-
22 serting “prohibited wildlife species”;
23 and

1 (II) in clause (iv), by striking
 2 “animals” and inserting “prohibited
 3 wildlife species”; and

4 (ii) in subparagraph (D), by striking
 5 “animal” each place it appears and insert-
 6 ing “prohibited wildlife species”;

7 (E) in paragraph (4) (as redesignated by
 8 subparagraph (A)), by striking “(2)” and in-
 9 serting “(3)”; and

10 (F) in paragraph (6) (as redesignated by
 11 subparagraph (A))—

12 (i) by striking “subsection (a)(2)(C)”
 13 and inserting “this subsection”; and

14 (ii) by striking “2004 through 2008”
 15 and inserting “2010 through 2014”.

16 (b) CIVIL PENALTIES.—Section 4(a) of the Lacey
 17 Act Amendments of 1981 (16 U.S.C. 3373(a)) is amend-
 18 ed—

19 (1) in paragraph (1), by inserting “(e),” after
 20 “subsections (b), (d),” ; and

21 (2) in paragraph (1), by inserting “, (e),” after
 22 “subsection (d)”.

23 (c) CRIMINAL PENALTIES.—Section 4(d) of the
 24 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is
 25 amended—

1 (1) in paragraphs (1)(A) and (1)(B) and in the
 2 first sentence of paragraph (2), by inserting “(e),”
 3 after “subsections (b), (d),” each place it appears;
 4 and

5 (2) in paragraph (3), by inserting “, (e),” after
 6 “subsection (d)”.

7 (d) EFFECTIVE DATE; REGULATIONS.—

8 (1) EFFECTIVE DATE.—Subsections (a)
 9 through (c) shall take effect on the earlier of—

10 (A) the date of the issuance of regulations
 11 under paragraph (2); or

12 (B) the expiration of the period referred to
 13 in paragraph (2).

14 (2) REGULATIONS.—The Secretary of the Inte-
 15 rior shall issue regulations implementing the amend-
 16 ments made by this section by not later than the end
 17 of the 180-day period beginning on the date of the
 18 enactment of this Act.

19 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

20 Section 3 of the Captive Wildlife Safety Act (117
 21 Stat. 2871; Public Law 108–191) is amended—

22 (1) in subsection (a), by striking “(a) IN GEN-
 23 ERAL.—Section 3” and inserting “Section 3”; and

24 (2) by striking subsection (b).

1 **SEC. 5. REGULATIONS.**

2 Section 7(a) of the Lacey Act Amendments of 1981
3 (16 U.S.C. 3376(a)) is amended by adding at the end the
4 following new paragraph:

5 “(3) The Secretary shall, in consultation with
6 other relevant Federal and State agencies, issue reg-
7 ulations to implement section 3(e).”.

8 **SEC. 6. AUTHORIZATIONS OF APPROPRIATIONS FOR ADDI-**
9 **TIONAL LAW ENFORCEMENT PERSONNEL.**

10 In addition to such other amounts as are authorized
11 to carry out the Lacey Act Amendments of 1981 (16
12 U.S.C. 3371 et seq.), there is authorized to be appro-
13 priated to the Secretary of the Interior \$5,000,000 for fis-
14 cal year 2010 to hire additional law enforcement personnel
15 of the United States Fish and Wildlife Service to enforce
16 that Act.

Passed the House of Representatives February 24,
2009.

Attest:

Clerk.

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